



**CITY COUNCIL
MEETING AGENDA**

August 22, 2023

3:30 p.m.

**Council Chambers, Lobby Floor
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017**

*If You Are In Need Of A Special Accommodation While
Attending The Meeting, Please Alert The Council Staff.*

Super District 8-3. Chairman Martavius Jones
Super District 8-1. Vice Chairman JB Smiley, Jr.
District 1. Rhonda Logan
District 2. Frank Colvett, Jr.
District 3. Patrice J. Robinson
District 4. Jana Swearengen-Washington
District 5. Worth Morgan
District 6. Edmund Ford, Sr.
District 7. Michalyn Easter-Thomas
Super District 8-2. Cheyenne Johnson
Super District 9-1. Chase Carlisle
Super District 9-2. J. Ford Canale
Super District 9-3. Dr. Jeff Warren

ORDER OF BUSINESS

I. CALL TO ORDER by the Sergeant-at-Arms

II. INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Chief of Staff of the Memphis City Council.

III. PLEDGE OF ALLEGIANCE

IV. CALL OF ROLL by the Comptroller

V. APPROVAL OF PREVIOUS MEETING MINUTES (August 8, 2023)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION honoring Jim Jagers on his retirement after 45 years of broadcasting meteorology in Memphis. This Resolution is sponsored by Councilman Colvett.

PUBLIC HEARING

2. Johnson
Chairman,
Planning
& Zoning
Committee

RESOLUTION approving the appeal of Ann Burgess seeking to amend the Memphis and Shelby County Land Use Control Board’s conditions of approval of the site plan of a proposed apartment complex at 3581 Tournament Dr. S. and two adjacent parcels. This Resolution is sponsored by the Division of Planning and Development.
(Held from 8/8)

Case No. MJR 23-13
(PD 94-356 CC CORRES)

Appellant: Ann Burgess

Appellee: TTL Development, LLC

Request: Amend the Memphis and Shelby County Land Use Control Board’s conditions of approval of the site plan of a proposed apartment complex, specifically by reducing the maximum number of dwelling units from 500 to 279 units, including three new conditions.

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; Public Hearing Required

16 NOTICES WERE MAILED ON JULY 18, 2023

DIVISION OF PLANNING AND DEVELOPMENT

3. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a special use permit for vehicle repair at 611 N. Holmes St. This Resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. SUP 23-15

Applicant: Yadir and Aracely Rodriguez

Request: Special use permit for vehicle repair

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No opposition at LUCB; No Public Hearing Required

4. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 4747 Getwell Road. This Resolution is sponsored by the Division of Planning and Development. (Held from 4/25; 7/11; 7/25)

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 22-21

Applicant: Willie Smith Jr.
Brenda Solomito Basar, Solomito Land Planning (Representative)

Request: Planned Development to allow limited number of CMU-1 uses

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

5. RESOLUTION pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code approving a planned development at the subject property located at 3337 Overton Crossing St. This Resolution is sponsored by the Division of Planning and Development. (Held from 7/11; 8/8)

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. PD 23-09

Applicant: Cash America Central, Inc.
SR Consulting, LLC (Representative)

Request: New planned development and outline plan conditions to allow the expansion of an existing pawn shop at 3337 Overton Crossing St.

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING

6. **ZONING ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, to authorize a Zoning Use District reclassification for land located at 5420 Knight Arnold Road by taking the land out of the Residential Single-Family – 6 Use District and including it in the Commercial Mixed Use - District, up for T H I R D & F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 23-07
Ordinance No. 5880

Applicant: Hector Garcia
David Bray of the Bray Firm (Representative)

Request: Rezoning of 0.6 acres from Residential Single-Family-6 to Commercial Mixed Use-1.

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

99 NOTICES WERE MAILED ON JULY 18, 2023

CONSENT AGENDA

GENERAL ORDINANCES- FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

- 7. **ORDINANCE** to Amend Chapter 2, Article II, of the Code of Ordinances of the City of Memphis, Relative to the Reasonable and Necessary Facilities and other Capital Assets for the Memphis City Council to Conduct its Meeting Obligations and other Legislative Responsibilities Vested in the Council by the City’s Charter, up for S E C O N D reading. Ordinance No. 5881 is sponsored by Councilmembers Smiley, Carlisle, Jones, Swearengen-Washington, Johnson, Warren, Canale and Logan.

ACTION REQUESTED: Adopt the Ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

NOTATIONS FROM DPD (None)

ENGINEERING DIVISION

- 8. RESOLUTION approving engineering plans for MADISON AND DIANA MIXED-USE and accepting bond as security. (Request for Same Night Minutes)

Contract No. CR-5443

Resolution approves engineering plans in the present limits of the City of Memphis, as shown on the plans, located at 2041 Madison Avenue, in Memphis, Tennessee. Cost of required improvements to be borne by the Developer. Resolution also accepts the Bond in the amount of \$42,100.00, as security for the project.

ACTION REQUESTED: Adopt the Resolution

- 9. RESOLUTION approving Supplemental Agreement #1 for CR-5404 – GLIDE XPRESS CAR WASH – 1470 GERMANTOWN PARKWAY. (Request for Same Night Minutes)

(Contract No. CR-5404)

ACTION REQUESTED: Adopt the Resolution

10. RESOLUTION approving Supplemental Agreement #1 for CR-5414 – EPPING FOREST SECTION D and reducing bond amount. (Request for Same Night Minutes)

(Contract No. CR-5414)

ACTION REQUESTED: Adopt the Resolution

11. RESOLUTION approving Supplemental Agreement #1 for H2S DOWNTOWN MEMPHIS 2022 [CR#5421]. (Request for Same Night Minutes)

(Contract No. CR-5421)

ACTION REQUESTED: Adopt the Resolution

GENERAL ITEMS (None)

FISCAL CONSENT AGENDA

12. RESOLUTION to accept, allocate and appropriate grant funds in the amount of (\$430,500.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives, Project # L190048. All Council Districts. This Resolution is sponsored by Library Services.
(Request for Same Night Minutes)

MLGW FISCAL CONSENT

Chair: Patrice Robinson, Vice Chair: Worth Morgan

13. RESOLUTION approving the ratification of purchase order number 7044816 to WESCO Distribution, Inc., for smart meter water modules in the amount of \$2,970,000.00.
14. RESOLUTION awarding Contract No. 12440, Master Asphalt Paving Program to Chancellor Brothers, LLC and Veasley Paving Services, A Joint Venture in the funded amount of \$16,150,666.25. (Request for Same Night Minutes)
15. RESOLUTION approving Change No. 3 to Contract No. 12154, Surveying Services with Ollar Surveying Company, LLC., (to renew the current contract for the third of four annual renewal terms for the period covering January 19, 2024 through January 18, 2025) in the funded amount of \$145,446.00.
16. RESOLUTION awarding a purchase order for steel utility bodies to Utility Equipment Service, Inc., in the amount of \$41,046.00 and Scruggs Equipment Company in the amount of \$319,012.00.
17. RESOLUTION approving the ratification of purchase order number 7046271 to Mansfield Oil Company of Gainesville, Inc., for unleaded and diesel fuel in the amount of \$539,977.86.
18. RESOLUTION approving Change No. 2 to Contract No. 12247, Gas Transmission ROW Mowing and Tree Trimming with ABC Professional Tree Services, Incorporated (to ratify and renew the current contract for the second of four annual renewal terms for the period covering August 16, 2023 through August 15, 2024) in the funded amount of \$769,948.36.

REGULAR AGENDA

APPOINTMENT

- 19. **MEMPHIS ANIMAL SERVICE ADVISORY BOARD**
 Easter-
 Thomas Appointment
 Chairman,
 Personnel & Michael Pfrommer
 Governmental
 Affairs
 Committee

GENERAL ORDINANCES THIRD AND FINAL READING

- 20. **REFERENDUM ORDINANCE** amending the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to re-establish the office of City Court Clerk as an elected office of the City of Memphis, up for T H I R D and F I N A L reading. Ordinance No. 5878 is sponsored by Chairman Jones.

ACTION REQUESTED: Take whatever action Council deems advisable

- 21. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require all persons employed by the City of Memphis to live within Shelby County, Tennessee, up for T H I R D and F I N A L reading. Ordinance No. 5879 is sponsored by Chairman Jones.

ACTION REQUESTED: Take whatever action Council deems advisable

- 22. **ORDINANCE** to amend Chapter 41 - Wreckers or Towing Operators of the Code of Ordinances of Memphis, Tennessee, so as to update fees prescribed, up for T H I R D and F I N A L reading. Ordinance No. 5876 is sponsored by Councilman Canale. **(Held from 7/11; 7/25; 8/8)**

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend the Code of Ordinances of the City of Memphis, Tennessee, Chapter 6, to define Entertainment Transportation Vehicles, and to provide for the licensing and regulation of the same, up for T H I R D and F I N A L reading. Ordinance No. 5861 is sponsored by Councilman Canale. **(Held from 4/25; 5/16; 6/13; 7/25; 8/8)**

Canale
Chairman,
Transportation
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

24. **RESOLUTION** to accept, allocate and appropriate funds in the amount of (\$24,500.00) from Tennessee Emergency Management Agency’s Hazardous Material Emergency Preparedness (HMEP) to be used for training and equipment. All Council Districts. This Resolution is sponsored by Fire & Homeland Security Services.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Adopt the Resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION (None)

MEMPHIS PARKS

25. RESOLUTION to allocate and appropriate funds in the amount of (\$5,000,000.00) for the new Lester Community Center, Project #: PK01036. District 5, Super District 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution
26. RESOLUTION to allocate and appropriate funds in the amount of (\$600,000.00) for Tennis Major Maintenance, Project #: PK03004. Districts 2 & 4, Super Districts 8 & 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution
27. RESOLUTION to allocate and appropriate funds in the amount of (\$5,000,000.00) for Audubon Golf Course Redesign and Construction, Project #: PK06018. District 5, Super District 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution
28. RESOLUTION to allocate and appropriate funds in the amount of (\$1,500,000.00) for Wolf River Greenway-Phase 12B, Project #: PK07127. District 5, Super District 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution
29. RESOLUTION to allocate and appropriate funds in the amount of (\$250,000.00) for Lichterman Nature Center Major Maintenance, Project #: PK08037. District 2, Super District 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution
30. RESOLUTION to appropriate funds in the amount of (\$250,000.00) for improvements and to address major maintenance issues at the Memphis Zoo, Project #: PK09002. District 5, Super District 9. This Resolution is sponsored by Memphis Parks.
- Warren
Chairman,
Memphis
Parks
Committee
- ACTION REQUESTED:** Adopt the Resolution

31. RESOLUTION to allocate and appropriate funds in the amount of (\$500,000.00) for Botanic Garden Infrastructure, Project #: PKTBD, District 5, Super District 9. Warren Chairman, Memphis Parks Committee
This Resolution is sponsored by Memphis Parks.
ACTION REQUESTED: Adopt the Resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

DIVISION OF SOLID WASTE (None)

GENERAL ITEM

32. RESOLUTION authorizing the Memphis and Shelby County Division of Planning and Development to proceed with a Comprehensive Rezoning Study and submittal of an application for rezoning properties throughout the City of Memphis. All Council Districts. Johnson Chairman, Planning & Zoning Committee
This Resolution is sponsored by Councilwoman Johnson and Councilman Colvett.
ACTION REQUESTED: Adopt the Resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT